



Office of Inspector General

Case #: 15-26

Division of Law Enforcement

Reviewed By:

Nick Wiley
Executive Director
Florida Fish and Wildlife Conservation Commission

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This internal investigation was performed in accordance with Chapter 20.055, Florida Statutes and the *Quality Standards for Investigations by Offices of Inspector General*, published by the Association of Inspectors General.



EXECUTIVE SUMMARY

Subject:
Manuel “Manny” Padilla
Reserve Officer, South Region B
Division of Law Enforcement

Complainant:
Oscar Blanco
Private Citizen

Date of Complaint	Related Case(s)	Type of Report
March 23, 2015	None	Investigation

SYNOPSIS

On March 20, 2015, a private citizen (Oscar Blanco) video recorded an encounter with Florida Fish and Wildlife Conservation Commission (FWC), Division of Law Enforcement (DLE) Reserve Officer Manuel “Manny” Padilla. Padilla was in uniform working an off-duty employment detail in his personal vehicle with blue and red lights installed and in use and Blanco questioned Padilla as to his purpose at the location and if he is in fact law enforcement. Blanco reported his complaint and provided a copy of the video to DLE Captain Mark Hodges. Several days after the incident, Blanco alleged that Padilla drove past his residence; which caused Blanco to allege that Padilla used law enforcement database resources to locate his home residence.

Video evidence as well as an admission from Padilla showed that Padilla did have blue lights installed and in use in his personal vehicle while on the scene of his extra-duty detail on March 20, 2015. Section 316.2397(2), Florida Statutes states *It is expressly prohibited for any vehicle or equipment, except police vehicles, to show or display blue lights.* A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in Chapter 318, Florida Statutes, however no citation was issued in this case as it was handled administratively. The allegation against Padilla of violating **Section 316.2397(2), Florida Statutes** is **Sustained**.

The video taken by Blanco was originally uploaded to YouTube on March 22, 2015, and at that time the video was only available to users with the specific link (it had not been published to the YouTube site for public searching and viewing). The title of the video was “Florida Fish and Wildlife Commission Officer (Reserve) Caught Lying.” On April 9, 2015, the video was “published” to YouTube; making it available for public search and viewing. As of May 29, 2015, the video was viewed 15,460 times. Additionally, a public search of YouTube using the term “Florida Fish and Wildlife Conservation Commission Officer” resulted in 535 results; with the posted video of Padilla populating on the first page of the search results as the seventh video to view.

This investigation also found an article that was posted by Hemming on April 7, 2015, on the website www.photographyisnotacrime.com (PINAC). The article was titled, “*Florida Cop Fired After Citizen Journalist Sends Video to PINAC, Showing Him Abusing Privileges*,” and showed a picture of Padilla in FWC uniform sitting his car showing his FWC badge (a snapshot from the video). As of May 29, 2015, the article was viewed 22,391 times and shared “2.6k.”

The incident between Padilla and Blanco and the fact the video of the incident was published for public viewing on YouTube brought discredit on the Commission. The allegation against Padilla of **Section 6.1.6(B)(1), Internal Management Policies and Procedures (IMPP), Disciplinary Standards for Career Service Employees, “Conduct Unbecoming a State Employee”** is Sustained.

In August 2014, Captain Hodges denied Padilla's request to use an FWC vehicle for his extra-duty/off-duty employment. Hodges also told Padilla he was not allowed to install red and blue lights in his personal vehicle for use during off-duty/extr-duty employment; as it was a violation of FS 316.2397(2) to use those lights in a personal vehicle. Additionally, Hodges told Padilla that if in fact he had red and blue lights in his personal car he was to remove them immediately.

Padilla said he installed the blue lights into his personal vehicle in August 2014, after he was informed that FWC patrol vehicles were taken away from reserve officers. He said he also asked what lights he could use, and was told he could use white, yellow and red; but could not use blue. Padilla testified he was told by his FWC management that it was not legal for him to have blue lights in a vehicle that was not owned by a police agency. Padilla admitted that he kept the blue lights in his personal vehicle after being told by his FWC management it was not legal for him to have blue lights in his personal vehicle.

Padilla said, "I understand, and it is my fault and I take full responsibility for using the blue (lights)." He added, "But I want to clarify that I did not use that all the time. Only in times when there's an extreme danger of collision, especially at night. Why I had them (on) that day, I probably got there and tested and turned them on and forgot that they (the blue lights) were on and left them on."

Padilla failed to follow the instructions provided to him by his FWC management regarding the blue lights being installed and used in his personal vehicle while on extra-duty/off-duty employment details. The allegation against Padilla of **Section 6.1.6(B)(48), IMPP, Disciplinary Standards for Career Service Employees, “Failure to follow oral or written instructions”** is Sustained.

Padilla testified he did not drive by Blanco's home and did not know Blanco or his name prior to receiving the pre-interview packet from the OIG. Padilla said he did not know Blanco or where Blanco lives. Additionally, Padilla said he did not know Blanco's vehicle tag and did not use law enforcement resources to run Blanco's vehicle tag. A Florida Department of Highway Safety and Motor Vehicles, Driver and Vehicle Information Database (DAVID) audit request found that Blanco's tag was not run through the system by Padilla or any other entity. A Florida Department of Law Enforcement, Florida Crime Information Center (FCIC) audit request found that Blanco's tag was not run through the system by Padilla or any other entity.

There was no evidence identified in this investigation to support the allegation. The allegation against Padilla of **General Order 06 Off-Duty and Extra Duty Employment, Section 1,(D)(4)** is Unfounded.

END OF EXECUTIVE SUMMARY

Case #15-26 FINAL REPORT

INVESTIGATIVE PREDICATE

On March 20, 2015, a private citizen (Oscar Blanco) video recorded an encounter with Florida Fish and Wildlife Conservation Commission (FWC), Division of Law Enforcement (DLE) Reserve Officer Manuel “Manny” Padilla. Padilla was in uniform working an off-duty employment detail in his personal vehicle with blue and red lights installed and in use and Blanco questioned Padilla as to his purpose at the location and if he is in fact law enforcement. Blanco reported his complaint and provided a copy of the video to DLE Captain Mark Hodges. Several days after the incident, Blanco alleged that Padilla drove past his residence; which caused Blanco to allege that Padilla used law enforcement database resources to locate his home residence. (See, Exhibits One and Two)

The FWC Office of Inspector General received the complaint from the Division of Law Enforcement on March 23, 2015. Padilla was dismissed from the FWC DLE as a Reserve Officer on March 24, 2015.

The administrative investigation was assigned to OIG Major Amy M. Schmidt.

REPORT OF INVESTIGATION

On March 23, 2015, private citizen Felipe Hemming filed a companion complaint with the FWC OIG regarding the incident between Blanco and Padilla. Hemming was provided a copy of the video from Blanco and posted it on YouTube under the title, “Florida Fish and Wildlife Commission Officer (Reserve) Caught Lying.” (See, Exhibit Three) The “lying” in the title refers to Blanco questioning Padilla about his use of a personal vehicle for law enforcement purposes with blue and red lights and that Padilla is lying about his authority and use of that equipment.

The video was originally uploaded to YouTube by Hemming on March 22, 2015, and at that time the video was only available to users with a specific link (it had not been published to the YouTube site for public searching and viewing). The video was “published” to YouTube by Hemming on April 9, 2015; making it available for public search and viewing. As of May 29, 2015, the video was viewed 15,460 times. Additionally, a public search of YouTube using the term “Florida Fish and Wildlife Conservation Commission Officer” resulted in 535 results; with Hemming’s posted video appearing on the first page of the search results as the seventh video to choose. (Exhibit Three).

This investigation also found an article that was posted by Hemming on April 7, 2015, on the website www.photographyisnotacrime.com (PINAC). The article was titled, “*Florida Cop Fired After Citizen Journalist Sends Video to PINAC, Showing Him Abusing Privileges*,” and showed a

picture of Padilla in FWC uniform sitting his car showing his FWC badge (a snapshot from the video). As of May 29, 2015, the article was viewed 22,391 times and shared "2.6k." (Exhibit Three)

INTERVIEW OF COMPLAINANT

Oscar Blanco

Private Citizen

On March 25, 2015, Schmidt spoke with Blanco. The conversation was not recorded or taken under oath. Schmidt confirmed that Blanco received the information from Captain Hodges on March 24, 2015, that Padilla had been dismissed from FWC. It was also explained that an internal investigation would be conducted regarding the incident he recorded. Blanco explained he recorded the encounter with Padilla because he was concerned Padilla was not a real Florida law enforcement officer; this was based on the red and blue lights flashing in a Chevrolet Tahoe with a North Carolina license plate displayed. Blanco provided a copy of the video to FWC.

Blanco also alleged that Padilla drove by his residence after the incident. Blanco wanted to know if Padilla had accessed law enforcement databases to get his home address and also wanted to know if the strobes in Padilla's car were FWC owned.

End of Information

INTERVIEW OF WITNESSES

Captain Mark Hodges

South Region B, Division of Law Enforcement

Captain Mark Hodges was not formally interviewed in this case. The reporting of his involvement was documented by Hodges in emails through his chain of command which were provided to the OIG. (Exhibit One) Hodges documented that in August 2014, the FWC reserve officers were no longer allowed to use FWC vehicles for off-duty employment. Hodges denied Padilla's request to use an FWC vehicle and told Padilla he was not allowed to install red and blue lights in his personal vehicle for use during off-duty employment; as it was a violation of FS 316.2397(2)¹ to have blue lights. Hodges documented he told Padilla that if in fact he had red and blue lights in his personal car he was to remove them immediately. (Exhibit One)

Hodges submitted a written recommendation to Major Escanio on March 23, 2015, that Padilla be terminated from the FWC Reserve Program. Padilla was subsequently terminated from the FWC Reserve Program on March 24, 2015.

End of Information

¹ Section 316.2397(2) Florida Statutes: Certain lights prohibited; exceptions. (2) *It is expressly prohibited for any vehicle or equipment, except police vehicles, to show or display blue lights.*

INTERVIEW OF SUBJECT

Former Reserve Officer Manuel “Manny” Padilla

South Region B, Division of Law Enforcement

On May 12, 2015, a formal interview of Padilla was conducted. The interview was recorded and an oath was administered. The following is a synopsis of Padilla’s statement which may contain paraphrasing:

Note: At the time of this interview, Padilla was no longer employed with FWC. A letter requesting his participation in this investigation was mailed to Padilla and he voluntarily agreed to be questioned and provide a formal statement in this case.

Padilla retired from FWC on May 31, 2014, after working with FWC for 30 years and 3 months. After his retirement date he was assigned as a Reserve Officer I with FWC until he was dismissed from that position on March 24, 2015.

Padilla said that on March 20, 2015, he was working an extra-duty detail for Metro Express Inc. Upon review of Padilla’s fiscal year 2014/2015 Request for Approval of Dual Law Enforcement Employment and Master List Approval Request (**See Exhibit Four**), Padilla said he did not see Metro Express Inc. listed. Padilla said he did not know why it was not on the master list because he submitted Metro Express Inc. to be included on the master list approximately four years ago. Padilla said he was under the assumption that once he turned in the paperwork for Metro Express Inc. (four years ago) that the same list was used year after year. Padilla said he and other officers have been working for Metro Express Inc. for several years; and it was not until this case that he noticed Metro Express Inc. was not on the current master list.

Padilla said he saw several company names on the master list he had never heard of before, are no longer in business or are companies no longer providing work to FWC.

Note: The Computer Aided Dispatch (CAD) call history records for March 20, 2015, showed Padilla started his extra-duty detail at 2:06 pm and ended his detail at 5:21 pm. (**See Exhibit Five**)

Padilla was asked why there was not a completed Bi-Weekly Report of Off-Duty, Hireback, and Extra-duty Activities form (FWC/DLE – 068) on file with FWC for the time period that included March 20, 2015. Padilla said it was probably his fault because he still had the form on his personal computer and “since I was terminated from the program I didn’t finish...the bi-weekly report.” Padilla stated he should have turned in the proper paperwork, still had it on his computer and would be glad to turn it in now.

Note: On May 12, 2015, Padilla emailed the OIG a copy of his completed Bi-Weekly Report of Off-Duty form for the work period of March 13, 2015 to March 26, 2015. (**See Exhibit Six**)

Padilla said he installed the blue lights in his personal vehicle in August 2014, after he was informed that FWC patrol vehicles were taken away from reserve officers. He said he also

asked what lights he could use, and was told he could use white, yellow and red; but could not use blue. Padilla said, "I understand, and it is my fault and I take full responsibility for using the blue (lights)." He added, "But I want to clarify that I did not use that all the time. Only in times when there's an extreme danger of collision, especially at night. Why I had them (on) that day?, I probably got there and tested and turned them on and forgot that they (the blue lights) were on and left them on."

Padilla said the blue lights in his personal vehicle have been removed. Padilla said the lights he had installed in his personal vehicle were his personal property and did not come from FWC or belong to FWC.

Padilla said he was told by his FWC management that it was not legal for him to have blue lights in a vehicle that was not owned by a police agency. Padilla admitted he kept the blue lights in his personal vehicle after being told by his FWC management it was not legal for him to have blue lights in a vehicle that was not owned by a police agency. However, Padilla added, "At no time (did) I use them to impersonate or make any stops." Padilla said he used the lights only during extreme emergencies to warn traffic of danger while working his approved extra-duty employment details.

Padilla said he was not specifically told by FWC management that he could not use his personal vehicle for extra-duty details, in addition he knew the companies he worked for did not mind the officers using vehicles that are not "marked²" for the details. Padilla added it was not wrong for him to use an unmarked vehicle for extra-duty details as long the vehicle had some type of warning lights to tell people of the immediate danger with the particular work being done.

When asked if he was approved to use his personal vehicle for his extra-duty details, Padilla said, "It was never, ah, an issue. We didn't ask if we could use our personal cars, and in the same way they didn't tell us we could not use it." Padilla said the lighting in his personal car was the issue, not the use of his personal car. Padilla said his FWC management never got involved in what vehicles he used for his extra-duty details; "I was never told one way or the other that I could use it (personal vehicle) or not." Padilla said he was only told by his management he was not allowed to use the blue lights in his personal vehicle.

When asked what he had to say about the video that was taken of him on March 20, 2015, Padilla said he was on the side of the road in the video because the company did not need him to block traffic or work at that time; he was waiting to start the detail. Padilla said he got to the detail a little early so he could check the lights to make sure everything works; "the lights were on but I wasn't even in a working capacity at the time, they were not doing anything that required the use of a police officer...(yet)."

Padilla said he did not know Blanco prior to this incident and did not even know his name until receiving the pre-interview packet from the OIG. Padilla did not report the incident to his supervisor because he did not think it would come to anything. Padilla said he did not

² Referring to a marked law enforcement patrol vehicle.

initiate the stop with Blanco; Blanco was the one that stopped in the middle of the road to initiate contact. Padilla asked Blanco for his identification because he was blocking traffic, but did not get compliance from Blanco; so he never saw his identification.

Padilla said Blanco “sped off” after the encounter; which indicated to Padilla that Blanco knew what he was doing was not fine.

Padilla said he had not tried to find the video on YouTube, and only saw it after receiving the pre-interview packet from the OIG. Padilla said, “I don’t really care to look for it; it happened, it’s gone; I’m part at fault for what happened, but I just let it go and I just wish that it would go away.”

Padilla said he did not drive by Blanco’s home and repeated that he did not know his name until receiving the pre-interview packet from the OIG. Padilla added he did not get Blanco’s vehicle tag at the time of the incident because Blanco drove off so quickly. Padilla did not know Blanco or where Blanco lives. Padilla said he did not know Blanco’s vehicle tag and did not use law enforcement resources to run Blanco’s vehicle tag.

Note: A Florida Department of Highway Safety and Motor Vehicles, Driver and Vehicle Information Database (DAVID) audit request found that Blanco’s tag was not run through the system by Padilla or any other entity. A Florida Department of Law Enforcement, Florida Crime Information Center (FCIC) audit request found that Blanco’s tag was not run through the system by Padilla or any other entity. (**See Exhibit Nine**)

Padilla said he found it strange that there was no working time limit for Reserve Officer I employees in the policy, but yet he was told his hours worked extra-duty had to be the same as what a regular officer would be allowed. Padilla said that was fine, “but it was never on paper. It was never laid down on a policy.”

End of Statement

Note: According to General Order 20 – Division Reserve Program, Section 3(P)(1) Off Duty Work: Reserve Officer I are authorized to work extra-duty police employment in accordance with General Order 06, Off-Duty and Extra-Duty Employment.

CONCLUSION

Section 316.2397(2), Florida Statutes. Certain lights prohibited; exceptions.

Which states: *It is expressly prohibited for any vehicle or equipment, except police vehicles, to show or display blue lights.*

It was alleged that Padilla displayed flashing blue lights in his personally owned vehicle while working an extra-duty detail as an FWC Reserve Officer I on March 20, 2015. Video evidence as well as an admission from Padilla showed that Padilla did have blue lights installed and in use in his personal vehicle while on the scene of his extra-duty detail on March 20, 2015.

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in Chapter 318, Florida Statutes, however no citation was issued in this case as it was handled administratively. The allegation against Padilla is **Sustained**.

Section 6.1.6(B)(1), Internal Management Policies and Procedures (IMPP), Disciplinary Standards for Career Service Employees, "Conduct Unbecoming a State Employee."

Which states: Any willful action or conduct by an employee, on or off duty, which impedes the Commission's efforts, brings discredit on the Commission, impairs the operation or efficiency of the Commission or any employee, or impairs the employee's ability to perform his or her job, including an action that violates standards of decency and/or morality.

On March 20, 2015, Blanco video recorded an encounter with Padilla while Padilla was working an off-duty employment detail in his personal vehicle with blue and red lights installed and in use. Padilla was in his FWC uniform. The video was originally uploaded to YouTube on March 22, 2015, and at that time the video was only available to users with the specific link (it had not been published to the YouTube site for public searching and viewing). The title of the video was "Florida Fish and Wildlife Commission Officer (Reserve) Caught Lying."

On April 9, 2015, the video was "published" to YouTube; making it available for public search and viewing. As of May 29, 2015, the video was viewed 15,460 times. Additionally, a public search of YouTube using the term "Florida Fish and Wildlife Conservation Commission Officer" resulted in 535 results; with the posted video of Padilla populating on the first page of the search results as the seventh video to view.

This investigation also found an article that was posted by Hemming on April 7, 2015, on the website www.photographyisnotacrime.com (PINAC). The article was titled, "*Florida Cop Fired After Citizen Journalist Sends Video to PINAC, Showing Him Abusing Privileges*," and showed a picture of Padilla in FWC uniform sitting his car showing his FWC badge (a snapshot from the video). As of May 29, 2015, the article was viewed 22,391 times and shared "2.6k."

The incident between Padilla and Blanco and the fact the video of the incident was published for public viewing on YouTube brought discredit on the Commission. The allegation against Padilla is **Sustained**.

Section 6.1.6(B)(48), IMPP, Disciplinary Standards for Career Service Employees, "Failure to follow oral or written instructions."

In August 2014, Captain Hodges denied Padilla's request to use an FWC vehicle for his extra-duty/off-duty employment. Hodges also told Padilla he was not allowed to install red and blue lights in his personal vehicle for use during off-duty/extr-duty employment; as it was a violation of FS 316.2397(2) to use those lights in a personal vehicle. Additionally, Hodges told Padilla that if in fact he had red and blue lights in his personal car he was to remove them immediately.

Padilla said he installed the blue lights into his personal vehicle in August 2014, after he was informed that FWC patrol vehicles were taken away from reserve officers. He said he also asked what lights he could use, and was told he could use white, yellow and red; but could not use blue. Padilla testified he was told by his FWC management that it was not legal for him to have blue lights in a vehicle that was not owned by a police agency. Padilla admitted that he kept the blue lights in his personal vehicle after being told by his FWC management it was not legal for him to have blue lights in his personal vehicle. However, Padilla added, "At no time (did) I use them to impersonate or make any stops." Padilla said he used the lights only during extreme emergencies to warn traffic of danger while working his approved extra-duty employment details. The lights used by Padilla were personally owned and not property of FWC.

Padilla said, "I understand, and it is my fault and I take full responsibility for using the blue (lights)." He added, "But I want to clarify that I did not use that all the time. Only in times when there's an extreme danger of collision, especially at night. Why I had them (on) that day, I probably got there and tested and turned them on and forgot that they (the blue lights) were on and left them on."

Padilla failed to follow the instructions provided to him by his FWC management regarding the blue lights being installed and used in his personal vehicle while on extra-duty/off-duty employment details. The allegation against Padilla is **Sustained**.

General Order 06 Off-Duty and Extra Duty Employment, Section 1,(D)(4).

Which states: Extra-duty sworn members shall only engage in the gathering/dissemination of information of the kind/type available from confidential law enforcement sources, such as FCIC, NCIC, NLETS, local area law enforcement computer networks, etc., in furtherance of a verifiable law enforcement purpose.

It was alleged that Padilla used law enforcement database resources to locate Blanco's home residence. Padilla testified he did not drive by Blanco's home and did not know Blanco or his name prior to receiving the pre-interview packet from the OIG. Padilla said he did not know Blanco or where Blanco lives. Additionally, Padilla said he did not know Blanco's vehicle tag and did not use law enforcement resources to run Blanco's vehicle tag.

A Florida Department of Highway Safety and Motor Vehicles, Driver and Vehicle Information Database (DAVID) audit request found that Blanco's tag was not run through the system by Padilla or any other entity. A Florida Department of Law Enforcement, Florida Crime Information Center (FCIC) audit request found that Blanco's tag was not run through the system by Padilla or any other entity.

There was no evidence identified in this investigation to support the allegation. The allegation against Padilla is **Unfounded**.

RECOMMENDATIONS

It is recommended that management conduct a review of the Dual Law Enforcement Employment Master Lists currently in use to ensure the companies/entities listed are active and that all locations being worked by officers are properly included.

EXHIBIT LISTING

1. Complaint Emails
2. Video (broken into three files)
3. Print screen and posting information from YouTube posting, "Florida Fish and Wildlife Commission Officer (Reserve) Caught Lying."
4. Padilla's FY 14/15 Request for approval of Dual Law Enforcement Employment and Master List Approval Request.
5. Computer Aided Dispatch (CAD) call history records for March 20, 2015.
6. Padilla's Bi-Weekly Report of Off Duty, Hireback and Extra Duty Employment (7/18/2014 to 3/26/2015)
7. Padilla's Reserve Officer Dismissal Letter and emails
8. Emails related to allegation that Padilla drove past complainants home and how the address was located.
9. Florida Department of Highway Safety and Motor Vehicles, Driver and Vehicle Information Database (DAVID) audit request and Florida Department of Law Enforcement, Florida Crime Information Center (FCIC) audit request results.

Investigation Conducted by:

Amy M. Schmidt

**Major Amy M. Schmidt
Director of Investigations**

Reviewed & Approved by:

Mike Troelstrup
**Mike Troelstrup
Inspector General**

SECTION 92.525, FLORIDA STATUTES COMPLIANCE AFFIDAVIT

I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, the contents of the foregoing report are true and accurate. I further swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss.112.532 and 112.533, Florida Statutes.

Amy M. Schmidt

**Major Amy M. Schmidt, Investigator
Office of Inspector General**

STATE OF FLORIDA

COUNTY OF LEON The forgoing instrument was acknowledged before me this date July 9, 2015. By: Amy Schmidt who is personally known or who has produced identification

Type of identification:

Notary's Signature:

(Print, type, or stamp Commissioned Name of Notary)

